

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

United States of America
v.

ORDER OF DETENTION PENDING TRIAL

Abdulla Beard a/k/a Detric Driver /
Defendant

Case Number: 09-30436-6

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

- ☐ (1) I find that:
- ☐ there is probable cause to believe that the defendant has committed an offense
 - ☐ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
 - ☐ under 18 U.S.C. § 924(c).
- ☐ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

☐ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

☒ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

☒ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ☒ (a) nature of the offense - Conspiracy to receive/sell goods stolen from interstate shipment
- ☒ (b) weight of the evidence - Evidence is strong, including taped conversations and agent participation in undercover sting operation.
- ☐ (c) history and characteristics of the defendant -
 - ☐ 1) physical and mental condition -
 - ☐ 2) employment, financial, family ties -
 - ☐ 3) criminal history and record of appearance -
- ☐ (d) probation, parole or bond at time of the alleged offense -
- ☒ (e) danger to another person or community - Although this defendant is charged with only property related conduct, the evidence indicated that he is a member of the Masjid Al-Haqq armed security team and a confidant of co-defendant Abdullah, who was killed in a shootout with arresting agents in this case. In a conversation recorded by a cooperating informant, defendant stated that Abdullah had approved a plan for Beard to rob a store owner at gunpoint. Defendant described his preparations in detail, and said that if the victim were to surrender the money, he would not be shot. ("Don't get popped over it ... it ain't worth it.") Beard also described the organization's practice of firearms training in the mosque. He also discusses the theft plans relating to the undercover operation. Beard clearly knows the identity of the source witness. Based on his recorded statements, I am satisfied that he would kill without hesitation to promote his perceived best interests. I view him as a danger to the community, and especially to potential witnesses in this case. His own words are clear and convincing evidence of that fact.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Date: October 29, 2009

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge